

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of  
  
Implementation of Section 17  
of the Cable Television  
Consumer Protection and  
Competition Act of 1992  
  
Compatibility Between  
Cable Systems and Consumer  
Electronics Equipment

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ET 93-7

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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COMMENTS OF BELL SOUTH

BellSouth Telecommunications, Inc. ("BellSouth") hereby files its comments regarding the Commission's Notice of Proposed Rule Making in this docket, released December 1, 1993 (FCC 93-495).

BellSouth takes no position on the merits of the proposed regulations at this time, but does request that the Commission clarify that the proposed regulations are limited to "cable systems" as defined in 47 U.S.C. § 522(6) and that they do not apply to local exchange carriers ("LECs") providing video dialtone services pursuant to the Commission's Second Report and Order in CC Docket No. 87-266, released August 14, 1992 (FCC 92-327), or to providers of multi-channel video programming utilizing those services.

This proceeding was established to fulfill requirements of Section 17 of the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act"), 47 U.S.C. § 544a, which requires the Commission to issue regulations to insure compatibility between consumer electronics equipment and "cable systems." The Commission has already

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determined that the video dialtone facilities of LECs are not "cable systems." Memorandum Opinion and Order on Reconsideration, FCC 92-326, CC Docket 87-266, released August 14, 1992, at ¶ 22. In addition, video programmers providing programming services over LECs' video dialtone systems are not "cable operators." First Report and Order, FCC 91-334, CC Docket 87-266, released November 22, 1991, at ¶ 52. Thus, the clarification requested by BellSouth is consistent with the Commission's charge under Section 17 of the 1992 Cable Act.

Also, the requested clarification represents good public policy. The proposed rules are specifically designed to address cable industry issues and technologies. Video dialtone technologies and service concepts are in the early stages of development. Application of cable rules to developing technologies and service concepts could limit the potential for video dialtone to provide consumer benefits.

Moreover, cable operators and LECs are subject to radically different regulatory regimes. To subject LECs providing video dialtone service to rules and regulations applicable to cable operators would result in the imposition of incompatible regulations upon LECs. For example, the proposed regulations include a requirement that "cable operators provide component descrambler/decoders and any related equipment to subscribers without separate charge for the equipment or installation." Notice at ¶ 30. Under the regulations governing LECs, such equipment would be customer premises equipment, which the Commission has required LECs

to detariff and which LECs are prohibited from bundling with their common carrier services. See 47 C.F.R. § 64.702.

While BellSouth wholeheartedly supports regulatory parity between competitors and believes that such parity must be achieved between LECs and cable operators as their businesses converge, parity cannot be achieved by overlaying regulations governing cable operators upon LECs. Parity can be achieved only by a comprehensive revision of the Communications Act of 1934. In the meantime, the Commission should carefully avoid the adoption of overlapping and inconsistent regulations and should, therefore, clarify that the regulations proposed in the Notice will not apply to LECs providing video dialtone services or to video programmers utilizing such services.

Respectfully submitted,

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January 25, 1994

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 24th day of January, 1994 serviced all parties to this action with a copy of the foregoing COMMENTS in reference to ET 93-7, by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties as set forth on the attached service list.

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